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NOV 22 2005

**FACSIMILE COMMUNICATION**

**To:** Examiner Mickey Yu  
**Fax #:** 571 - 273 - 8300  
**Re:** Appln. No. 09/423.619  
**From:** Felix J. D'Ambrosio  
**Total pages:** 27

**Date:** November 22, 2005**Confidential/Privileged**

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Thank you, BACON & THOMAS, PLLC.

**Message:**

Per our conversation of today, I am transmitting  
 a Further Submission including the WITHDRAWAL OF HOLDING OF ABANDONMENT  
 filed May 11, 2005

RECEIVED  
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NOV 22 2005

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
Hans Seiter )  
Appln. No. : 09/423,619 ) Art Unit: 3728  
Filed : November 15, 1999 )  
For : INNER SOLE FOR A SHOE ) Ex: T. Arnold, III  
                                  )  
                                  ) VIA FACSIMILE

Further Submission

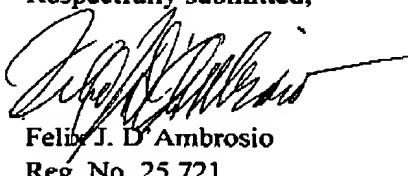
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the telephone discussion with examiner Yu today, the undersigned is transmitting herewith a copy of the WITHDRAWAL OF HOLDING OF ABANDONMENT filed May 11, 2005.

Prompt action is respectfully requested.

Respectfully submitted,



Felix J. D'Ambrosio  
Reg. No. 25,721

November 22, 2005

BACON & THOMAS, PLLC  
625 Slaters Lane - 4<sup>th</sup> Floor  
Alexandria, VA 22314  
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**BACON & THOMAS**  
625 Shady Lane, 4th Fl., Alexandria, VA 22314

PATENT APPLICATION  
(PENDING)

Serial No.: 09/423,619  
Filed Nov. 15, 1999

Serial No.: 09/423,619

Applicant(s): SETTER

MAILROOM

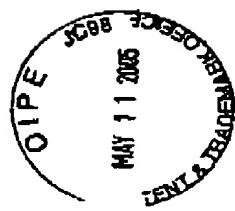
ART UNIT

Special Instructions:

DUE:

The PTO stamp hereon acknowledges receipt of:

- Withdrawal or Holding of Abandonment



NOV 22 2005

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/423,619

Group Art Unit: 3728

Applicant: Hans SEITER

Examiner: T. Arnold, III

Filed: November 15, 1999

Attorney Docket No.: SEIT3001/FJD

Title: INNER SOLE FOR A SHOE

WITHDRAWAL OF HOLDING OF ABANDONMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On June 15, 2004 a Notice of Abandonment was issued against the above-noted application because of "Applicant's failure to timely file a proper reply to the Office Letter mailed on 15 July 2003," noting that "A reply was received on 18 February 2004 (with a Certificate of Mailing or Transmission dated =), which is after the expiration of the period for reply (including a total extension of time of 0 month(s)) which expired on 15 January 2004."

The holding of abandonment was issued in error for the following reasons:

1) A response to the Office Action ("Office Letter") of 15 July 2003 was timely filed on October 15, 2003. A copy of this response and the date stamped receipt card are attached.

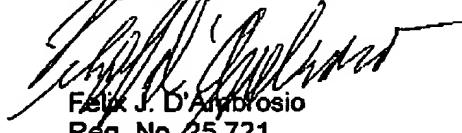
2) The reply filed February 18, 2004 was a Supplemental Response and not the primary response. As such, it was not subject to a time limitation. The Response filed on October 15, 2003 was complete and as such satisfied the requirement for a response. A copy of the Supplemental Response and the date stamped receipt card is also enclosed.

In view of 1) and 2), it is respectfully submitted that the holding of abandonment was in error and should be withdrawn and this application re-instated to active status because the

initial filing of October 15, 2003 was timely and the Supplemental Response was not subject to a time limitation.

It is respectfully submitted, that the facts noted above were previously identified to the USPTO by telephone shortly after the Notice of Abandonment was received by the undersigned. It was the undersigned's understanding that the matter would be corrected sua sponte. As yet correction has not been effected which has resulted in this submission.

Respectfully submitted,



Felix J. D'Ambrosio  
Reg. No. 25,721

May 11, 2005

Serial No. 09/423,619

**BACON & THOMAS**  
621 St. Louis Lane, 4th Fl., Alexandria, VA 22313

Filed: November 15, 1999

PATENT APPLICATION  
(PENDING)  
Attorney Docket No. SETT3001/FJD

Applicant(s): Hans SEITER

 MAILROOM ART UNIT

Special Instructions:

The PTO stamp hereon acknowledges receipt of:

 Supplemental Response to OA of 7/15/03 with Declarations

Filed by: FJD/Hlb

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/423,619

Group Art Unit: 3728

Applicant: Hans SEITER

Examiner: T. Arnold, III

Filed: November 15, 1999

Attorney Docket No.: SEIT3001/FJD

Title: INNER SOLE FOR A SHOE

SUPPLEMENTAL RESPONSE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Introductory Comments

As a Supplemental to the Response filed to the Office Action of July 15, 2003.  
Submitted herewith are the Declarations of Dr. Seiter and Dr. Bös.

These declarations attest to the superior results achieved by the innersole of the present invention with respect to the phlebotic function.

The Examiner is urged to consider these declarations when reconsidering the claims now pending.

Respectfully submitted,

  
Felix J. P. Ambrosio  
Reg. No. 25,721

Date: February 17, 2004

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Attachments